

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

JOHN DOE II, et al,

Plaintiffs,

v.

DISTRICT OF COLUMBIA, et al.,

Defendants.

Case No. 2004 CA 001002 B
Calendar 5
Judge Bartnoff

ORDER APPROVING CLASS ACTION SETTLEMENT

By Order entered May 20, 2011, the Court granted the parties' joint request for preliminary approval of a class action settlement agreement that had been entered into by the parties, through their respective counsel. The Settlement Agreement provides relief to the certified class of persons defined as "all persons arrested, detained, charged, and/or criminally prosecuted (including 'no paper' dismissals) for underage possession or consumption of alcohol since April 9, 1997" ("the Class").

In accordance with the Order of May 20, 2011, notice of the proposed settlement, as approved by the Court in form and content, was published in the Washington City Paper for the week of June 3, 2011. In light of a typographical error in that notice, a corrected notice was published in the Washington City Paper for the week of June 17, 2011. Those notices also advised all interested parties that they could file comments or objections to the proposed settlement no later than thirty (30) days prior to a Fairness Hearing, which was scheduled for August 2, 2011 at 10:00 a.m. The notice further provided that copies of any comments or

objections to the Settlement Agreement were to be served on Carol Elder Bruce, Esq., who is one of the Class Counsel.

No comments or objections to the proposed settlement were filed with the Court prior to August 2, 2011. The Fairness Hearing was held as scheduled on that date, and no persons appeared other than counsel for the parties. At the hearing, co-counsel for the Class represented to the Court that Class Counsel had received no comments or objections in response to the notice. The parties now are requesting that the Court enter an Order granting final approval of the Settlement Agreement.

Based on the parties' submissions, the Settlement Agreement, and the lack of any comments or objections to the Settlement Agreement, and no additional information having been brought to the Court's attention that calls into question in any way the findings made by the Court in its Order granting preliminary approval of the Settlement Agreement, and the Court having determined that the Settlement Agreement is fair, reasonable, and adequate and in the best interests of the Class, and good cause for final approval of the Settlement Agreement having been shown, and in accordance with Rule 23 of the Superior Court Rules of Civil Procedure, it is by the Court this **2nd day of August 2011**

ORDERED that the parties' joint request for final approval of the Settlement Agreement presented by the parties and preliminarily approved by the Court, by Order of May 2011, be and it hereby is **GRANTED**, and it is

FURTHER ORDERED that the Clerk's Office be and it hereby is directed to seal all court records of the arrest, detention, charge, and/or prosecution of each member of the Class

that relate to an allegation of underage possession or consumption of alcohol since April 9, 1997, and it is

FURTHER ORDERED that counsel for the District of Columbia shall furnish the Clerk's Office with a confidential list of all Class members, together with any other identifying information (for example, case name and number), whose records are to be sealed pursuant to this Order, and it is

FURTHER ORDERED that the list of Class members shall be filed and maintained under seal, and it is

FURTHER ORDERED that the District of Columbia shall expunge all other records of the arrest, detention, charge, and/or prosecution of each Class member that relate to the allegation of underage possession or consumption of alcohol since April 9, 1997 that are reasonably accessible and in the possession of the District of Columbia, and it is

FURTHER ORDERED that the District of Columbia shall use its best efforts to effectuate the expungement of all other records of the arrest, detention, charge, and/or prosecution of each Class member that relate to the allegation of underage possession or consumption of alcohol since April 9, 1997 that are in the possession of the United States, and it is

FURTHER ORDERED that with respect to any prior detention or charge arising from any charge of underage possession or consumption of alcohol in the District of Columbia since April 1, 1997, each Class member be and hereby is legally permitted to state that he or she was not arrested and has no conviction, and it is

FURTHER ORDERED that the District of Columbia, through its counsel Ellen Efros, Esq. or any other person designated by the Attorney General of the District of Columbia, shall maintain the confidential list of Class members referred to herein and shall, at the request of any Class member, provide a written statement to the Class member that he or she is a Class member and is subject to the relief provided by this Order, and it is

FURTHER ORDERED that this Court will retain jurisdiction over this case, as requested by the parties and as provided in the Settlement Agreement, to monitor and ensure compliance with this Order and the Settlement Agreement.

S/

Judge Judith Bartnoff
Signed in Chambers

Copies served electronically by eFiling for Courts on:

Carol Elder Bruce, Esq.

Damon W. D. Wright, Esq.

Ellen A. Efros, Esq.